

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Hon. Marcia M. Henry
United States Magistrate Judge

MINUTE ENTRY AND ORDER
22-MD-3044 (NGG)(MMH)

In re: Exactech Polyethylene Orthopedic Products Liability Litigation

DATE: 10/12/2023

Video // Telephone // In Person

Zoom Log #: Start Time 2:22PM

End Time 4:19PM

Court Reporter (if in person): _____

Lead Plaintiffs' Counsel	Defense Counsel
Kirk Pope Ellen Relkin Rayna Kessler Carasusana B. Wall	Michael Kanute Susan Sharko Ruben Gonzalez

Next Status Conference Date: 12/20/2023 at 2:30PM

Next Status Conference Format: Video // Telephone // In Person

DISCUSSION AND RULINGS:

- By **10/16/2023**, the parties shall file the *Collum-Bradford* recommended discovery ruling discussed on the record and the Exactech Defendants' objections to same. (*See* ECF No. 447 at 2 n.1)
- Also by **10/16/2023**, the Exactech Defendants shall file a letter no longer than two pages regarding their proposed TAR 2.0 protocol and shall include supporting legal authority. (*See* ECF No. 447 at 18–19.)
- Pursuant to its 08/22/2023 Order directing the production of 123,321 documents from 12 agreed-upon custodians (ECF No. 399), the Court further ordered the following: By **10/19/2023**, the Exactech Defendants shall produce the approximately 35,000 documents inappropriately withheld as “nonresponsive” and the approximately 100 documents redacted pursuant to the GDPR. By **10/26/2023**, the Exactech Defendants shall produce the approximately 9,900 documents that will be redacted pursuant to the GDPR. The parties shall meet and confer regarding production of the approximately 6,000 foreign language documents.

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- Within two weeks after Judge Keim issues an Order regarding the parties' revised joint bellwether plan in the Florida action, the parties shall file the Order and their proposed joint bellwether plan for the MDL. (*See* ECF No. 447 at 4.)
- By **10/23/2023**, the parties shall file their proposed stipulation regarding the moratorium on plaintiff and defense fact sheets for non-bellwether cases. (*See* ECF No. 447 at 20–21).
- By **10/24/2023**, the parties shall submit proposed amendments to ECF No. 268, Case Management Order No. 3, relating to protocols for pathology and medical device preservation. (*See* ECF No. 447 at 21.)
- The Court amended the 08/22/2023 First Amended Discovery Case Management Order at ECF No. 400 as follows: in paragraph 12, the parties shall agree to the final list of Exactech Custodians (in addition to the 12 agreed upon custodial files): November 9, 2023. All other deadlines remain in effect.
- By **12/11/2023**, the parties shall file a joint status report regarding progress with discovery and the litigation generally.